

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
JOSEPH BOOK,)	
)	
Plaintiff,)	
)	
v.)	Act. No. 04CV-11557RCL
)	
DEPARTMENT OF STATE POLICE,)	
COMMONWEALTH OF MASSACHUSETTS,)	
and STATE TROOPER KURT M.)	
FERRAZANI (No. 2355), STATE TROOPER)	
SMITH (No. 2586), STATE TROOPER)	
MACKENZIE (No. 1138), and STATE)	
TROOPER HENNIGAN (ID unknown),)	
)	
Defendants.)	
_____)	

**DEPARTMENT OF STATE POLICE - COMMONWEALTH OF MASSACHUSETTS'S
MOTION TO DISMISS**

Pursuant to Mass R. Civ. P. 12(b)6 the defendant, the Department of State Police - Commonwealth of Massachusetts ("Commonwealth"), hereby moves to dismiss plaintiff's complaint against the Commonwealth of Massachusetts because such claims are barred by the Eleventh Amendment.

The attached Memorandum of Law is filed in support of this Motion.

COMMONWEALTH OF MASSACHUSETTS
By its Attorneys

THOMAS F. REILLY
ATTORNEY GENERAL

Ranjana Chand Burke, BBO#638672
Assistant Attorney General
200 Portland Street
Boston, MA 02114
(617) 727-2200 x 3318

DATED: September 8, 2004